

62A-3-104.1 Powers and duties of area agencies.

- (1) An area agency that provides services to an aged person, or a high risk adult shall within the area agency's respective jurisdiction:
 - (a) advocate by monitoring, evaluating, and providing input on all policies, programs, hearings, and levies that affect a person described in this Subsection (1);
 - (b) design and implement a comprehensive and coordinated system of services within a designated planning and service area;
 - (c) conduct periodic reviews and evaluations of needs and services;
 - (d) prepare and submit to the division plans for funding and service delivery for services within the designated planning and service area;
 - (e) establish, either directly or by contract, programs licensed under Chapter 2, Licensure of Programs and Facilities;
 - (f)
 - (i) appoint an area director;
 - (ii) prescribe the area director's duties; and
 - (iii) provide adequate and qualified staff to carry out the area plan described in Subsection (1) (d);
 - (g) establish rules not contrary to policies of the board and rules of the division, regulating local services and facilities;
 - (h) operate other services and programs funded by sources other than those administered by the division;
 - (i) establish mechanisms to provide direct citizen input, including an area agency advisory council with a majority of members who are eligible for services from the area agency;
 - (j) establish fee schedules; and
 - (k) comply with the requirements and procedures of:
 - (i) Title 11, Chapter 13, Interlocal Cooperation Act; and
 - (ii) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.
- (2) Before disbursing any public funds, an area agency shall require that all entities receiving any public funds agree in writing that:
 - (a) the division may examine the entity's program and financial records; and
 - (b) the auditor of the local area agency may examine and audit the entity's program and financial records, if requested by the local area agency.
- (3) An area agency on aging may not disburse public funds to a personal care attendant as payment for personal services rendered to an aged person or high risk adult, except as provided in Section 62A-3-104.3.
- (4)
 - (a) For the purpose of providing services pursuant to this part, a local area agency may receive:
 - (i) property;
 - (ii) grants;
 - (iii) gifts;
 - (iv) supplies;
 - (v) materials;
 - (vi) any benefit derived from the items described in Subsections (4)(a)(i) through (v); and
 - (vii) contributions.
 - (b) If a gift is conditioned upon the gift's use for a specified service or program, the gift shall be used for the specific service or program.
- (5)

- (a) Area agencies shall award all public funds in compliance with:
 - (i) the requirements of Title 63G, Chapter 6a, Utah Procurement Code; or
 - (ii) a county procurement ordinance that requires procurement procedures similar to those described in Subsection (5)(a)(i).
- (b)
 - (i) If all initial bids on a project are rejected, the area agency shall publish a new invitation to bid.
 - (ii) If no satisfactory bid is received by the area agency described in Subsection (5)(b)(i), when the bids received from the second invitation are opened the area agency may execute a contract without requiring competitive bidding.
- (c)
 - (i) An area agency need not comply with the procurement provisions of this section when it disburses public funds to another governmental entity.
 - (ii) For purposes of this Subsection (5)(c), "governmental entity" means any political subdivision or institution of higher education of the state.
- (d)
 - (i) Contracts awarded by an area agency shall be for a:
 - (A) fixed amount; and
 - (B) limited period.
 - (ii) The contracts described in Subsection (5)(d)(i) may be modified due to changes in available funding for the same contract purpose without competition.
- (6) Local area agencies shall comply with:
 - (a) applicable state and federal:
 - (i) statutes;
 - (ii) policies; and
 - (iii) audit requirements; and
 - (b) directives resulting from an audit described in Subsection (6)(a)(iii).

Amended by Chapter 347, 2012 General Session